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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

In re: Amy Denice Frederick

Debtor

Case No. 03-74062

Chapter 13

NOTICE OF MOTION

Amy Denice Frederick, by Counsel have filed documents with the Court for a Hardship Discharge...

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before 20 days, from the date of certificate of service, you or your attorney must:

File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

United States Bankruptcy Court
400 US Courthouse
600 Granby Street
Norfolk, VA 23510

You must also mail a copy to:

BERG & ASSOCIATES
700 Newtown Road
Norfolk, VA 23502

George W. Neal, Trustee
870 Greenbrier Circle, Suite 402
Chesapeake, VA 23320

Amy Denice Frederick Lundin
264 Palmyra Drive
Virginia Beach, VA 23462

Ronald J. Berg, VSB #7229
Roger C Hurwitz, VSB #51016
BERG & ASSOCIATES, P.C.
700 Newtown Road
Norfolk, VA 23502
(757)461-5557

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date:9/15/06

Signature, name, address and telephone number
of person giving notice:

/s/Roger C Hurwitz

Ronald J. Berg VSB#7229

Roger C. Hurwitz VSB#51016

700 Newtown Road

Norfolk, VA 23502

757-461-5557

Counsel for the Debtor

Certificate of Service

I hereby certify that I have this 15th of September,2006 mailed or hand-delivered a true copy of the foregoing Notice of Motion to the parties listed on the attached service list.

/s/Roger C Hurwitz

of Counsel

Ronald J. Berg, VSB #7229
Roger C Hurwitz, VSB #51016
BERG & ASSOCIATES, P.C.
700 Newtown Road
Norfolk, VA 23502
(757)461-5557

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE: AMY DENICE FREDERICK
Debtor.

CASE NO.: 03-74062
CHAPTER 13

MOTION FOR HARDSHIP DISCHARGE

To the Honorable Stephen C. St. John U. S. Bankruptcy Judge:

COMES NOW, AmyDenice Frederick, by counsel, and respectfully moves this Honorable Court for a hardship discharge. In support thereof, it is represented as follows:

1) On June 3, 2003, the Debtor filed in this Court a petition for relief pursuant to Chapter 13 of Title U.S.C., and her Chapter 13 Plan was subsequently confirmed on August 11, 2003.

2) Amy Denice Frederick Lundin, Debtor passed away on April 15, 2006

3) This petition was an individual petition.

4) The total amount paid into the plan was \$ 10,186.00 and the total amount disbursed to creditors was \$10,185.70.

5) The claims filed by the debtor's unsecured creditor have received at least one percent of their claim.

6) 11 U.S.C. Section 1328(b) states:

At any time after confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if-

(1) the debtor's failure to complete such payment is due to circumstances for which the debtor should not justly be held accountable;

(2) the value, as of the effective date of the plan, or property actually distributed under the plan on account of each allowed unsecured claim is not less than if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

(3) modification of the plan under section 1329 of this title is not practicable.

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7) Based upon the foregoing, Counsel, for Amy Denice Frederick Lundin, Debtor, believes that justice would be served by granting the Debtor a hardship discharge.

WHEREFORE, Amy Denice Frederick Lundin, Debtor, by counsel, prays that this Honorable Court enter an Order herein granting the Debtor a hardship discharge; and for such other relief as in the premises may seem just.

/s/Roger C Hurwitz
Counsel for
Amy Denice Frederick Lundin, Debtor

By: /s/Roger C Hurwitz
Roger C Hurwitz

Certificate of Service

I, the undersigned, hereby certify that on this 15th day of September, 2006, I mailed a true and complete copy of the foregoing Motion for Hardship Discharge to George W. Neal, Trustee at 870Greenbrier Circle, Suite 402, Chesapeake, VA 23320; to the Office of the U.S. Trustee at Room 625 Federal Building, 200 Granby Street, Norfolk, VA 23510; Amy Denice Frederik Lundin at 254 Palmyra Drive, Virginia Beach, VA 23462 and to all secured and priority creditors.

/s/Roger C Hurwitz
Roger C Hurwitz #51016

Bank of America
c/o Frederick J. Hanna & Associates
655 Enterprise Way
Marietta, GA 30067

Wachovia Bank
PO Box 13765
Roanoke, VA 24037

Capital One
PO Box 85184
Richmond, VA 23285

Countrywide Mortgage
P.O. Box 660694
Dallas, TX 75266-0694

Cox Cable
225 Clearfield Ave
Virginia Beach, VA 23452

Discover
PO Box 3007
New Albany, OH 43054-3007

Dominion VA Power
PO Box 26543
Richmond, VA 23290

McCalla, Raymer, et. al
1544 Old Alabama Road
c/o Bankruptcy Department
Roswell, GA 30076

Nexcard
c/o OSI Collection Services
PO Box 953
Brookfield, WI 53008

Providian
PO Box 6960763
Dallas, TX 75266-0763